

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

* * *

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DISTRICT COURT OF GUAM

MAR 13 2008

JEANNE G. QUINATA
Clerk of Court

UNITED STATES OF AMERICA,)	COURT OF APPEALS
)	CASE NO.
Plaintiff,)	
)	
vs.)	CRIMINAL CASE
)	NO. CR07-00064
IN HYUK KIM,)	
a/k/a DOMINIC,)	
)	
Defendant.)	
-----)	

TRANSCRIPT OF PROCEEDINGS

BEFORE

THE HONORABLE FRANCES TYDINGCO-GATEWOOD

Chief District Judge

HEARING ON MOTIONS

MONDAY, FEBRUARY 11, 2008

Wanda M. Miles, Official Court Reporter
District Court of Guam

EXHIBIT A

APPEARANCES:

FOR THE PLAINTIFF:

UNITED STATES ATTORNEY'S OFFICE
 BY: KARON V. JOHNSON, Esq.
 ASSISTANT UNITED STATES ATTORNEY
 Suite 500, Sirena Plaza
 108 Hernan Cortez Avenue
 Hagatna, Guam 96910

FOR THE DEFENDANT:

LUJAN AGUIGUI & PEREZ LAW OFFICES
 BY: PETER C. PEREZ, Esq.
 238 Archbishop Flores Street
 DNA Building, Suite 300
 Agana, Guam 96910

I N D E X

<u>Government Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
John Duenas	7	103	139	141
Richard Flores	156	160	177	179

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 District Court of Guam

EXHIBITS

<u>Government Exhibits</u>	<u>Identified/Admitted</u>	
1 - Monitored call transcript	14/76	18
2 - Monitored call transcript	17/76	--
3 - Monitored call transcript	20/82	26
4 - Monitored call transcript	26	31
5 - Monitored call transcript	32/96	35
6 - Monitored call transcript	152 36	37
7 - Monitored call transcript	38	38
8 - Statement of Rights form	40	41
9 - Affidavit/Kim's written statement	42	44
10 - Report of interview by agent	41	41

<u>DEFENSE EXHIBITS</u>	<u>IDENTIFIED/ADMITTED</u>	
A - Report of investigation	49	
B - Kim's declaration	115/131	
E - Statement of Rights form	124/160	

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District Court of Guam

1 THE COURT: All right, you may step down.

2 MS. JOHNSON: Richard Flores, Your Honor.

3 THE COURT: Okay. Why don't we take a ten-
4 minute recess. I just have to make one more call and
5 then one long distance call and then I'll be right
6 back. So ten minutes and then we'll proceed. Thank
7 you.

8 (Recess was taken.)

9 (Proceedings resumed as follows:)

10 THE COURT: Please be seated.

11 We're back on the record in USA versus In Hyuk
12 Kim, a/k/a Dominic. All counsels are present, the
13 defendant is present, and Mr. Flores is present.

14 You may proceed, Ms. Johnson.

15 MS. JOHNSON: Agent Flores.

16 THE COURT: Agent Flores to the stand.

17 MR. PEREZ: Your Honor, I just wanted to
18 confirm one thing on the record because these agents
19 are testifying, and Agent Duenas is going to be leaving
20 tomorrow morning and I just learned that my client had
21 been debriefed subsequent to this occasion, and
22 apparently there are no records regarding these
23 debriefings, so I just want to confirm that none of
24 that information is being used because -- and it's not
25 available for my cross-examination in the examination

Wanda M. Miles, Official Court Reporter
District Court of Guam

1 of these agents.

2 MS. JOHNSON: Apparently I'm told that after
3 Mr. Gorman was representing the defendant, he had him
4 interviewed by the agents to see if he could get him
5 substantial assistance. As I told counsel, that would
6 be under Rule 11, and would be considered a Rule 11
7 proffer, but that could not be used for any reason.

8 THE COURT: So it would not be, that's your
9 representation? Very well.

10 THE CLERK: Sir, please raise your right hand.

11 RICHARD FLORES,
12 called as a witness on behalf of the Government, was
13 first duly sworn and testified as follows:

14 THE CLERK: Please state your full name and
15 spell your last name.

16 THE WITNESS: Richard Vince Naputi Flores,
17 last name F-L-O-R-E-S.

18 THE COURT: Very well, you may proceed.

19 MS. JOHNSON: Thank you.

20 DIRECT EXAMINATION

21 BY MS. JOHNSON:

22 Q. How are you employed?

23 A. Very well, Ma'am, thank you.

24 Q. Where do you work?

25 A. I'm sorry, I work for the U. S. Immigrations

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District Court of Guam